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March 31, 2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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ISOJON KHUSENOV,

Plaintiff(s),

-against-

PROKRAFT INC. and PRO-CUT,

Defendant(s).

Index No: 1:21-3703-BMC

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PROKRAFT INC.,

Third-Party Plaintiff,

-against-

KARZNIKA US, INC.,

Third-Party Defendant.

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Video Conference

New York

March 31, 2021

11:00 a.m.

DEPOSITION of, ISOJON KHUSENOV, a
Plaintiff, taken pursuant to an Order, held via
video conference before Lori Palotti, a Notary
Public of the State of New York.



1 A P P E A R A N C E S:

2
3 Attorneys for Plaintiff(s)

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6 Brooklyn, New York 11214

7 BY: ARVID GITELMAN, ESQ.

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10 Attorneys for Defendant(s)

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17 Attorneys for Defendant(s)

18 CONGDON, FLAHERTY, O'CALLAGHAN, REID, DONLON,

19 TRAVIS & FISHLINGER, LLC

20 THE OMNI

21 Uniondale, New York 11552

22 BY: THOMAS EVANS, ESQ.

23 Also present: Ilmiya Murtazayeva, Interpreter

It is HEREBY STIPULATED AND AGREED by
and between (among) counsel for the respective
parties hereto, that:

IT IS FURTHER STIPULATED AND AGREED by and between(among) counsel for the respective parties hereto, that this(these) examination(s) may be sworn to by the witness(s) being examined, before a Notary Public other than the Notary Public before whom this(these) examinations(s) was (were) begun; but the failure to do so, or to return the original of this(these) examination(s) to counsel, shall not be deemed a waiver of the

1 rights provided by Rules 3116 and 3117 of the
2 C.P.L.R., and shall be controlled thereby;

3
4 IT IS FURTHER STIPULATED AND AGREED
5 by and between(among) counsel for the respective
6 parties hereto, that this(these) examination(s)
7 may be utilized for all purposes as provided by
8 the C.P.L.R.;

9
10 IT IS FURTHER STIPULATED AND AGREED
11 by and between(among) counsel for the respective
12 parties hereto, that the filing and certification
13 of the original of this(these) examination(s)
14 shall be and the same hereby are waived;

15
16 IT IS FURTHER STIPULATED AND AGREED
17 by and between(among) counsel for the respective
18 parties hereto, that all rights provided by the
19 C.P.L.R., and Part 221 of the Uniform Rules for
20 the Conduct of Depositions, including the right
21 to object to any question, except as to form, or
22 to move to strike any testimony at this
23 examination is reserved; and in addition, the
24 failure to object to any question or to move to
25 strike any testimony at this examination shall

1 not be a bar or waiver to make such motion at,
2 and is reserved to, the trial of this action;
3

4 IT IS FURTHER STIPULATED AND AGREED
5 by and between(among) counsel for the respective
6 parties hereto, that a copy of the within
7 examination(s) shall be furnished to counsel
8 representing the witness(s) testifying, without
9 charge.
10

11 IT IS HEREBY STIPULATED AND AGREED by
12 and between counsel for all parties present that
13 pursuant to CPLR section 311(d) this conference,
14 the court reporter, all counsel, and the witness
15 are all in separate remote locations and
16 participating via videoconference
17 (LegalView/Zoom) meeting under the control of
18 Lexitas Court Reporting Service, that the officer
19 administering the oath to the witness need not be
20 in the place of the deposition and the witness
21 shall be sworn in remotely by the court reporter
22 after confirming the witness's identity, that
23 this videoconference will not be recorded in any
24 manner and that any recording without the express
25 written consent of all parties shall be

1 considered unauthorized, in violation of law, and
2 shall not be used for any purpose in this
3 litigation or otherwise.

4
5 IT IS FURTHER STIPULATED that
6 exhibits may be marked by the attorney presenting
7 the exhibit to the witness, and that a copy of
8 any exhibit presented to a witness shall be
9 E-mailed to or otherwise in possession of all
10 counsel prior to any questioning of a witness
11 regarding the exhibit in question.

12
13 All parties shall bear their own
14 costs in the conduct of the deposition by video
15 conference, notwithstanding the obligation by
16 CPLR to supply a copy of the transcript to the
17 deposed party by the taking party in civil
18 litigation matters.

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I. KHUSENOV

I L M I Y A M U R T A Z A Y E V A,
an interpreter, having been duly sworn by the
Notary Public, translated as follows:

I S O J O N K H U S E N O V, the Witness
herein, having been first duly sworn by a Notary
Public in and of the State of New York, was
examined and testified as follows:

EXAMINATION BY
MS. VASQUEZ:

Q. Would you please state your full name
for the record.

A. Isojon Khusenov.

Q. What is your current address?

A. 9958 66th Avenue, Apartment 6B, Rego
Park, New York 11374.

MS. VASQUEZ: Good morning.

THE WITNESS: Good morning.

Q. As you know, my name is Carmen
Vasquez, and I'm an attorney from O'Connor, Redd,
Orlando. I represent Prokraft and Pro-Cut in
this action. I just have some -- a few more
questions for you. We will definitely be done

1 I. KHUSENOV

2 with your deposition today. Okay?

3 A. Okay.

4 Q. The last time that we were together,
5 I asked you about the butcher's gown that you
6 were wearing on the date of the accident. I have
7 reviewed some hospital records that suggest that
8 the clothes that you were wearing on the date of
9 the accident were given to your father. My
10 question is: Up until today, have you seen any
11 of the clothes that you were wearing on the date
12 of your accident?

13 A. Would you please clarify? I didn't
14 understand. Are you saying that the butcher's
15 robe was given to my father?

16 Q. My question to you is: Have you seen
17 any of the clothes that you were wearing that
18 day, up until the present time, either the
19 clothes that you were wearing or the butcher's
20 gown?

21 A. No, I didn't see. I don't know where
22 they left them.

23 Q. Has your father ever told you that he
24 was given any of the clothes at the hospital?

25 A. I have no idea.

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I. KHUSENOV

Q. Have you ever asked your father whether he received any of your clothes from the hospital?

MR. GITELMAN: Are you asking about any clothes or just the butcher's gown?

MS. VASQUEZ: Anything. All of them, including the gown that he was wearing.

A. I remember when I gave them the question, "where is my stuff?", so, I was told that, I believe the doctors took it or the police department took. I'm not sure.

Q. When you say, "I asked them," who are you referring to? Who did you ask that question to?

A. What do you think? Of course I will ask for my family members.

Q. What did they say?

A. I don't remember exactly, but whether I was told all my stuff was taken by doctors or the police department, I don't remember.

Q. When you left the hospital, were you given any referrals to see a mental health provider or counselor?

MR. GITELMAN: From the hospital or

1 I. KHUSENOV

2 any doctor?

3 MS. VASQUEZ: The question was from
4 the hospital.

5 MR. GITELMAN: But he left the
6 hospital, so you have to be more specific.

7 Q. When you left the hospital, did the
8 hospital give you any referrals for any mental
9 health doctors or providers?

10 A. What I remember, I was referred for
11 visitation with a Dr. Roger and a follow-up,
12 further steps through him.

13 Q. From the time of this incident up
14 until the present day, have you had any treatment
15 with any mental health doctor or provider or
16 counselor?

17 A. Yes. Recently, I was referred to the
18 mental health doctor, but until now I didn't get
19 my appointment yet.

20 Q. Who was it that referred you?

21 A. Dr. Roger.

22 Q. Do you know the name of the mental
23 health provider that you were referred to?

24 A. Yes. I was provided with the name of
25 the mental health doctor, but I don't remember

1 I. KHUSENOV

2 right now.

3 Q. When was it that you were given that
4 name by Dr. Roger?

5 A. Approximately, around months ago it
6 was, I believe, when I saw him.

7 Q. How many months ago?

8 A. I told you already, months ago,
9 months, one.

10 Q. Do you know why Dr. Roger referred
11 you to a mental health provider?

12 A. Because I didn't feel okay and
13 whatever I explained to him, probably he decided
14 I need mental health consult.

15 Q. When you say, "I didn't feel okay,"
16 can you please be more specific? What do you
17 mean by that?

18 A. Mentally, I'm going through a
19 depression. Because as soon as I went outside, I
20 see the people. Everyone has a hand, but my one
21 hand is missing. It hurts me. It hurts me,
22 mentally.

23 Q. Up until the present time, has any
24 doctor diagnosed you with any mental health
25 condition? For example, depression or something

1 I. KHUSENOV

2 else?

3 MR. GITELMAN: As a result of this
4 accident, right?

5 MS. VASQUEZ: Yes, in connection with
6 the accident. I will rephrase the question.

7 Q. From the time of your accident to the
8 present time, has any doctor diagnosed you with
9 depression or anxiety or any other mental
10 condition in connection with your injury?

11 A. Yes. I was told a few times that if
12 I got through this mental pain, it will be good
13 if I will see the mental health consult.

14 MS. VASQUEZ: The interpreter does
15 not have a good connection.

16 MR. EVANS: Off the record.

17 (A discussion was held off the
18 record.)

19 MS. VASQUEZ: Can you repeat the
20 answer?

21 A. I was told by a few of the doctors
22 that if I'm going through this pain, mental pain,
23 so I need to see the mental health counselor.

24 Q. Has any doctor told you that you have
25 depression?

1 I. KHUSENOV

2 A. Yes, I had the depression when they
3 told me.

4 Q. What doctor told you that you had
5 depression?

6 A. Neurologist.

7 Q. Do you remember that person's name?

8 A. Dr. Grinshpun.

9 Q. Do you currently have any plans to
10 return to Pakistan?

11 MR. GITELMAN: Objection to the form.
12 You can answer.

13 A. No.

14 Q. Do you currently have any plans to
15 continue your education?

16 A. Yes, I want to get an education here.

17 Q. Do you have any plans yet, or is that
18 something that you want to do in the future?

19 A. Before the incident, I tried already.
20 I started already my education. But after the
21 incident, now I have to go through this situation
22 first and then start my education.

23 Q. Before this accident happened, what
24 had you done to start your education?

25 A. I was trying to apply for ASA

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I. KHUSENOV

College.

Q. Is that in New York City or in one of the boroughs? Where is that college located?

A. In New York.

Q. Did you actually apply to enroll? What do you mean by you were planning?

A. Because I just recently arrived, I already started collecting my documentation to apply for in the same time I start work, because first I have to support myself financially.

Q. Before this accident, were you enrolled in any colleges or schools?

A. Not yet.

Q. When you apply in the future, are you planning to apply to a particular program in this college?

A. Computer technology.

Q. Do you have a computer home now?

A. No.

Q. Do you have a phone?

A. Yes.

Q. What kind of phone do you have?

A. iPhone.

Q. Are you able to watch movies and TV

1 I. KHUSENOV

2 on your phone?

3 MR. GITELMAN: Objection to the form.

4 You can answer.

5 A. Yes, but sometimes I need help to put
6 in any specific program.

7 Q. Are you able to access your phone's
8 internet on your own?

9 A. Yes, of course.

10 Q. Are you able to use your phone by
11 yourself?

12 MR. GITELMAN: Objection.

13 Q. Are you able to use your phone and
14 access the features, like watching TV and movies
15 and doing internet searches?

16 MR. GITELMAN: Objection to the form.

17 You can answer.

18 A. Yes, I'm able to use.

19 Q. Do you have any plans, currently, to
20 take any English language courses?

21 A. Yes, I want to.

22 Q. Are you enrolled in any now?

23 A. Not yet.

24 Q. Do you have any plans to get a
25 driver's license?

1 I. KHUSENOV

2 A. Yes.

3 Q. Have you made any attempts to obtain
4 a driver's license yet?

5 MR. GITELMAN: Objection to the form.
6 You can answer.

7 A. Could you please repeat that?

8 Q. Have you made any attempts to obtain
9 a driver's license yet?

10 MR. GITELMAN: Objection to the form.
11 You can answer.

12 A. A permit. Before the accident, I got
13 the permit.

14 Q. Do you have a desire to return to
15 work at any point in the future?

16 MR. GITELMAN: Objection to the form.
17 You can answer.

18 A. For example, what do you mean
19 "returning back to work"?

20 Q. Do you have any desire to return to
21 gainful employment, to work for a paycheck in any
22 capacity?

23 MR. GITELMAN: Off the record.

24 (A discussion was held off the
25 record.)

1 I. KHUSENOV

2 MS. VASQUEZ: Can you read back the
3 last question, please?

4 (The requested record was read from
5 the transcript.)

6 A. Yes, of course.

7 Q. Have you been told by any doctor that
8 you would not be able to return to work again in
9 the future?

10 A. I cannot do heavy jobs, like a job
11 related with the butchering or whatever to carry,
12 heavy lifting. But related to the computer and
13 science, I was told I can do those jobs.

14 Q. Have you ever been told by any doctor
15 that in the future you would not be able to take
16 care of yourself?

17 MR. GITELMAN: Objection to the form.
18 You can answer.

19 A. No, but I was told that it depends
20 from me. Just physically, maybe I'm not able to
21 do everything like everyone else. I have to use
22 tools and find other options to compensate my
23 future, being able to work and being independent.

24 Q. The last time I asked you questions
25 you mentioned that you had received a number of

1 I. KHUSENOV

2 acupuncture treatments. Has that treatment been
3 helping you at all?

4 A. I'm continuing my acupuncture
5 therapy. It is useful. It's very useful, but
6 for short-term; for a short period only. That's
7 why I have to continue to get the acupuncture
8 therapy again.

9 Q. For the short-term, being how long,
10 exactly?

11 A. After each procedure about one,
12 one-and-a-half hours, I don't feel any pain.

13 Q. What happens after that one to
14 one-and-a-half hours?

15 A. Slowly, pain increases. It
16 increases, especially pain in the missing
17 location.

18 Q. How often do you get acupuncture
19 treatment?

20 A. Three times a week.

21 Q. Are you still getting it now?

22 A. Yes.

23 Q. Is that with Elmira Samkova?

24 A. I think so.

25 Q. Do you know who is I-L-Y-A.

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I. KHUSENOV

B-U-R-S-C-H-T-U-I-N?

A. I believe this is my neurologist.

Q. How tall are you?

A. Approximately one meter and
72 centimeters.

Q. How much do you weigh, currently?

A. 50 kilograms.

Q. Has your weight fluctuated or changed
since the accident?

A. Yes. After the accident, yes, I lost
the weight, but I'm trying to gain the weight
again.

Q. How many weight did you lose?

A. Seven kilograms, 14 pounds.

Q. Have you gained any of that back yet?

A. I didn't check. I have to check
later.

MR. GITELMAN: Does this weight loss
account for the loss of the weight of his
arm?

MS. VASQUEZ: I can adopt that
question if he knows.

A. Yes.

Q. Medical records that I saw had a

1 I. KHUSENOV

2 facility called Hand Therapy Center Complete
3 Occupational Therapy Services in Elmhurst. Are
4 you familiar with that facility?

5 A. Yes, I know.

6 Q. What is that facility? Have you
7 treated there?

8 A. I'm still getting treatment.

9 Q. What treatment do you receive there?

10 A. They have treating my hand, so I got
11 the massage and there is some kind of electric
12 stimulation. They're working with my hand. It's
13 related with a new cast.

14 MR. GITELMAN: By Counsel, he is
15 indicating to his prosthetic arm.

16 Q. This is just therapy in connection
17 with your prosthetic; is that correct?

18 A. Not only the prosthetic part.
19 Besides this, they're working with the muscle and
20 stimulation.

21 Q. The therapy that you receive at this
22 facility, it is specific to your amputated arm,
23 correct?

24 A. Yes.

25 Q. Is it fair to say that the therapy

1 I. KHUSENOV

2 that you received at Crystal Ray, specifically
3 that we spoke about the last time, is for your
4 shoulder and your neck?

5 A. Yes.

6 RQ

7 MS. VASQUEZ: I haven't received an
8 authorization for Hand Therapy Center
9 Complete Occupational Therapy Services. I'm
10 going to request it and I will put my demand
11 in writing.

12 MR. GITELMAN: Thank you.

13 Q. Are you familiar with a facility
14 known as New York Rehab Prosthetics?

15 A. Yes.

16 Q. What is done for you at this
17 facility?

18 A. I received a prosthetic part for my
19 hand.

20 Q. Did you undergo any type of therapy
21 there?

22 A. No.

23 RQ

24 MS. VASQUEZ: I request an
25 authorization for this facility because I

1 I. KHUSENOV

2 don't have it.

3 Q. Have any doctors you treated with
4 since this accident recommended any future
5 surgeries in connection with this injury?

6 A. Not yet.

7 Q. Have you been told by any doctor that
8 it's possible that you would require any future
9 surgeries?

10 A. While I was in the hospital, my
11 parents were told by the doctors that in the
12 future maybe I will have a donor hand. So,
13 related with that, I could go through the
14 surgery.

15 Q. Other than that possibility, have you
16 been told you may require any other additional
17 surgeries?

18 MR. GITELMAN: Objection to the form.
19 You can answer.

20 A. No.

21 Q. Since you were discharged from the
22 hospital after the initial injury, have you had
23 any MRIs?

24 A. Yes, I had the MRI even recently. I
25 did it months ago.

1 I. KHUSENOV

2 Q. What body part was MRI-ed?

3 A. Neck, my right shoulder and my right
4 hand.

5 MR. GITELMAN: Indicating to the
6 right elbow.

7 MS. VASQUEZ: Off the record.

8 (A discussion was held off the
9 record.)

10 MR. GITELMAN: Let's take a
11 five-minute break.

12 MS. VASQUEZ: Sure.

13 (A short break was taken.)

14 MS. VASQUEZ: Can you read back the
15 last question and answer, please?

16 (The requested record was read from
17 the transcript.)

18 Q. When you said that the MRI was done
19 recently, do you remember when, specifically? Do
20 you remember the month?

21 A. I believe January.

22 Q. Do you know where that MRI was done?

23 A. Queens. I don't know exactly the
24 address. I know it has been done in a Queens
25 facility.

1 I. KHUSENOV

2 Q. Was it a facility that you had been
3 to before that or was this a new facility?

4 A. No, this is a new facility.

5 Q. Who referred you for these MRIs?

6 A. The doctor.

7 Q. Which doctor?

8 A. The doctor from the Crystal. I'm not
9 sure of the name.

10 Q. Dr. Kostin, K-O-S-T-I-N?

11 A. Yes, I think so.

12 Q. Have you discussed the results of
13 those MRIs with Dr. Kostin?

14 A. Yes.

15 Q. What were you told about the results
16 of the MRIs?

17 A. I was told that the reason that I had
18 them is because of the pain in the missing part,
19 because my nerve was damaged.

20 Q. Were you told anything else about the
21 results of these MRIs?

22 A. The main reason why the MRI done was
23 to find out why I have a pain in the missing
24 part.

25 Q. Were any recommendations made by

1 I. KHUSENOV

2 Dr. Kostin in connection with these MRI results?

3 A. With the result of the MRI report, I
4 was referred to the orthopedist and also to pain
5 management.

6 Q. Do you know the name of the
7 orthopedist and the pain management specialist
8 that you were referred to?

9 A. For now, I cannot remember the name
10 because I just recently started going there.

11 Q. Are you still treating with
12 Dr. Roger?

13 A. Yes.

14 Q. When was the last time that you saw
15 Dr. Roger? Was it last month?

16 A. A few days ago, four, five days ago,
17 after March 20th. It was after March 20th.

18 Q. When is your next appointment with
19 Dr. Roger?

20 A. Next month.

21 Q. Are you seeing him once a month at
22 this point?

23 A. Yes.

24 Q. Do you know, as you sit here today,
25 if you're going to be seeing him once a month in

1 I. KHUSENOV

2 the future or less frequently or something else?

3 A. I'm not scheduling appointment. It
4 depends from the doctor how many times in a month
5 he needs to see me.

6 Q. When you last saw Dr. Roger, what did
7 he do for you?

8 A. The last time when I seen him, he
9 just examined my hand and he examined the
10 prosthetic hand also. He checked if everything
11 is okay. We go all over what type of medication
12 I'm taking. Like this, only.

13 Q. The last time we spoke you had
14 indicated that the prosthetic that you were given
15 was painful. Is the prosthetic that you're
16 wearing now the one that you had mentioned to us
17 was causing pain when you put it on?

18 A. Yes.

19 Q. Have you spoken to any doctors or the
20 prosthetic expert regarding that complaint of
21 pain that you told us about?

22 A. Yes.

23 Q. Has that issue been resolved?

24 A. Yes, they fixed it, the uncomfortable
25 part.

1 I. KHUSENOV

2 Q. Who was it that you spoke to about
3 that?

4 A. About this issue, I told to Dr.
5 Roger, and in the facility Crystal Medical
6 Facility also I told. I'm visiting now Diana.
7 Diana I also talked about this issue and Diana
8 fixed it.

9 Q. I recently just asked you questions
10 about whether you had undergone MRIs. The
11 question now is if you have undergone any X-rays
12 since being discharged from the hospital after
13 this injury?

14 A. Yes, they did.

15 Q. What body parts?

16 A. My hand, shoulder and my neck.

17 Q. When you say your hand, are you
18 referring to your elbow area where the amputation
19 site is located?

20 A. Entire part of my hand they did,
21 including the shoulder.

22 Q. Who referred you for X-rays?

23 A. Dr. Kostin referred.

24 Q. Why did he refer you for X-rays?

25 A. Maybe just because I had the pain.

1 I. KHUSENOV

2 Probably for that reason. Actually, this
3 question is supposed to be referred to the
4 doctor. I don't know.

5 Q. I'm only asking what you know. If
6 you don't know, that's perfectly fine.

7 A. Okay.

8 Q. Where were the X-rays done?

9 A. In the Crystal facility.

10 MR. GITELMAN: Do you know the
11 difference between an X-ray and an MRI?

12 A. The difference, I believe, an MRI
13 they will see including the bone. I believe
14 right after the hospital, also an X-ray was done
15 by Dr. Roger.

16 Q. The X-ray by Dr. Roger, was that done
17 at Dr. Roger's office?

18 A. No, in a different facility. Just I
19 got the referral only from.

20 Q. Do you recall where that facility is?

21 A. It was a long time ago. I don't
22 remember right now.

23 RQ

24 MS. VASQUEZ: I will ask for an
25 authorization relating to those X-rays.

1 I. KHUSENOV

2 MR. GITELMAN: To the extent that
3 they exist.

4 MS. VASQUEZ: He just testified about
5 it. What do you mean?

6 MR. GITELMAN: If he actually did do
7 an X-ray. From what I understand, he took
8 an MRI. If he did actually do the X-ray, we
9 will gladly give it to you, but I'm not
10 aware whether or not he did an X-ray.

11 MS. VASQUEZ: You will clarify with
12 your complaint at some point.

13 MR. GITELMAN: Sure. I will have a
14 word with him after to clarify that.

15 Q. Up to the present time, have you had
16 any injections to your right arm or neck or
17 shoulder?

18 A. I was recommended, but I refused it.

19 Q. Who recommended the injection to you?

20 A. I believe it was the orthopedist.

21 Q. When was this recommendation made to
22 you?

23 A. One month ago.

24 Q. Is this the orthopedist that was
25 recommended by Dr. Kostin?

1 I. KHUSENOV

2 A. Yes.

3 Q. How many times have you seen this
4 orthopedist?

5 A. Two times.

6 Q. Where is his office located?

7 A. It's close to Crystal Medical
8 facility. It's on the same street.

9 Q. Do you know why he recommended the
10 shots or the injections?

11 A. In the visit, I was asked how was my
12 pain. Depending of the pain, I was probably
13 recommended shots.

14 Q. What body parts were the shots
15 recommended for? Was it the neck and the
16 shoulder and the amputation site or something
17 else?

18 A. By the MRI result, I was told like I
19 have a problem on my neck. So, that's why
20 injections was recommended to my neck.

21 Q. Why did you turn it down?

22 A. They gave me two different options,
23 whether I have to accept the injection, but
24 result will be painful, but I choose the next
25 option. Now I'm doing next option, second

1 I. KHUSENOV

2 option.

3 Q. What is the second option?

4 A. To continue physical therapy, and
5 they gave me some kind of equipment. Each time
6 when my pain will get worse, I have to use that
7 to my hand.

8 Q. Can you describe the equipment that
9 you're referring to? What is it, exactly?

10 A. It works with the battery. Also
11 small patch with the medication that I have to
12 stick to my pain location. It will stay for
13 hours.

14 Q. Was that equipment given to you at
15 the doctor's office or were you given a
16 prescription for that equipment?

17 A. I believe they prescribed it, and
18 from the pharmacy it was delivered to my home.

19 Q. Which pharmacy was it that you used
20 to fill that prescription?

21 A. I don't know through which pharmacy
22 that I got this equipment.

23 Q. Do you use multiple pharmacies to
24 fill your prescriptions in connection with this
25 injury?

1 I. KHUSENOV

2 A. Multiple pharmacies.

3 Q. How many different pharmacies? Is it
4 more than two, more than five?

5 A. I believe two of them.

6 Q. Is one of those pharmacies
7 Neighborhood Chemist?

8 A. Yes.

9 Q. Do you know the name of the other
10 pharmacy?

11 A. Recently, Dr. Roger prescribed
12 medication. This is a new location, a new
13 pharmacy, EWP.

14 Q. Are those the only two pharmacies
15 where you have prescriptions filled in connection
16 with the injury that we're discussing today?

17 A. Medication, yes. I'm receiving from
18 two different familiar pharmacies. But whatever
19 it's related to equipment or a pain patch, this
20 is not a pharmacy. This is medical supply
21 office.

22 Q. Do you know the name of that medical
23 supply office? Do you know where it's located?

24 A. No, I don't know, but if you request
25 from the doctor, the doctor can provide you with

1 I. KHUSENOV

2 the address of that medical supply.

3 RQ

4 MS. VASQUEZ: I will put my demand in
5 writing for that.

6 Q. The equipment that you mentioned that
7 you were given with the battery and patch, how
8 often are you using that?

9 A. My apology. Can I take a break for a
10 few minutes, quick?

11 Q. You have to answer the question
12 first, if you know?

13 A. Three, four times a day.

14 MS. VASQUEZ: You can take a break.

15 (A short break was taken.)

16 MS. VASQUEZ: Can you read back the
17 last question and answer, please?

18 (The requested record was read from
19 the transcript.)

20 Q. With regard to the equipment that we
21 were just talking about, were you given
22 instructions about how often to use it?

23 A. It doesn't matter how many times a
24 day, but if the pain gets worse.

25 Q. Were you told to use it when you need

1 I. KHUSENOV

2 it, basically, or something else?

3 A. Yes, if the pain gets worse.

4 Q. You mentioned earlier that you were
5 also referred to a pain management doctor; is
6 that correct?

7 A. Yes.

8 Q. Do you know the name of that doctor?

9 A. I don't remember now.

10 Q. Do you know what street this pain
11 management doctor is located on?

12 A. The facility is located in the same
13 street with the Crystal Medical facility.

14 Q. Is it in a different location than
15 the orthopedist?

16 A. All of them in the same location.

17 Q. You said the same street. Are you
18 saying they're all in the same building?

19 A. Yes, in the same building.

20 Q. Is this in Rego Park?

21 A. Yes.

22 Q. Is it 63rd Drive?

23 A. I think so.

24 Q. Have you been told by any doctors
25 that you're going to need any other medical

1 I. KHUSENOV

2 procedures in the future?

3 A. Not for now.

4 Q. Have you seen the pain management
5 specialist already?

6 A. Yes.

7 Q. How many times?

8 A. Two times.

9 Q. What have they done for you?

10 A. They examined my hand up to the
11 shoulder, and also they used some kind of needle.
12 They put the needle to check.

13 Q. Did the pain management specialist
14 make any recommendations?

15 A. Actually, I'm confusing whether this
16 was the orthopedist or whether this was the pain
17 management.

18 Q. Were you definitely examined by a
19 pain management specialist, as far as you know?

20 A. Yes.

21 Q. But you don't recall, specifically,
22 what treatment or recommendation they did for
23 you, is that what you're saying?

24 A. Yes, that makes me confused, but I
25 believe pain management recommended me this pain

1 I. KHUSENOV

2 patch and also injections.

3 Q. Up until the present time, have you
4 had to make any modifications to your home to
5 accommodate your injury?

6 A. For example, what?

7 Q. The last time we spoke, you mentioned
8 that you were given a chair for the shower.
9 Other than that, are there any modifications that
10 you had to make anywhere in your apartment or
11 your bedroom to assist you as a result of these
12 injuries?

13 A. I received the pillow. So, whenever
14 I go to sleep, I had to put my hand on this
15 pillow because I cannot simply let my hand under
16 me and sleep. It's supposed to be always
17 elevated up.

18 Q. Is the pillow just a regular pillow,
19 or was it something that was prescribed to you?

20 A. No, it's a regular pillow.

21 Q. Other than that accommodation, have
22 you made any other accommodations to your home,
23 whether it's the kitchen or the bathroom or
24 anywhere else, to assist you as a result of these
25 injuries?

1 I. KHUSENOV

2 A. No. I don't have any modification in
3 those rooms because always I rely on help of my
4 family members.

5 Q. What floor do you live on?

6 A. Sixth floor.

7 Q. You live in an apartment building; is
8 that correct?

9 A. Yes.

10 Q. Does your building have an elevator?

11 A. Yes.

12 Q. Do you use the stairs to get up and
13 down to your apartment?

14 MR. GITELMAN: Objection. Relevance,
15 but you can answer.

16 A. No.

17 Q. Never?

18 A. No, because I'm using an elevator.

19 Q. Before this incident, did you ever
20 use the stairs?

21 A. Yes.

22 Q. Since this accident, you have not
23 used the stairs at all?

24 A. I never used it after.

25 Q. Is there a reason why you haven't

1 I. KHUSENOV

2 used the stairs since this accident occurred?

3 A. After the accident, I'm looking only
4 for a comfortable way to use everything.

5 Q. Is there something about your injury
6 that makes it more difficult for you to use the
7 stairs?

8 A. Yes.

9 Q. What is it?

10 A. I feel pressure and getting tired
11 quickly and from pressure. It's like pressure
12 comes to my hand when I feel tired.

13 Q. Are you feeling pressure to your left
14 hand or are you referring to the amputated arm?

15 A. To my right hand.

16 Q. What is it about that pressure that
17 prevents you from using the stairs?

18 A. I feel in my shoulder my muscles
19 straightening on my left shoulder.

20 MR. GITELMAN: Is that typically
21 because you have to swing your hands when
22 you walk?

23 THE WITNESS: I think so. It might
24 be this reason.

25 Q. Since this accident happened, have

1 I. KHUSENOV

2 you had to use any stairs to get to your doctors'
3 offices or to enter different medical facilities
4 or stores?

5 A. No, I always try to use an elevator.

6 Q. What about when you use a subway?
7 The last time that when you arrived at the
8 deposition, you arrived in a subway. Did you
9 have to go up and down the stairs to take the
10 subway?

11 A. There is no other options. If I went
12 to the subway, if there is no elevator, of course
13 I have to use the stairways because I don't have
14 other options.

15 Q. You're able to go up and down the
16 stairs; is that correct?

17 MR. GITELMAN: Objection to the form.
18 You can answer the question.

19 A. As I told you before, I don't have an
20 option. Whoever is next to me, family members,
21 so I'm relying on them.

22 Q. When you have no other option, if
23 there is no elevator, are you able to physically
24 go up and down the stairs?

25 MR. GITELMAN: Objection. You can

1 I. KHUSENOV

2 answer. I think he answered that question
3 abundantly, but he can go ahead and answer
4 it again.

5 A. If no one is next to me to rely on,
6 so I'm using with the pain.

7 Q. You're using with the pain? Can you
8 explain what you mean?

9 MR. GITELMAN: He uses the stairs.
10 Do you want to move on?

11 MS. VASQUEZ: No, not yet.

12 Q. What is it that hurts you when you're
13 going up and down the stairs?

14 A. I just told you that my shoulder
15 radiating, my shoulder straightening.

16 Q. Do you experience the same pain when
17 you're walking?

18 A. Not really. It's not typically like
19 I'm using stairways. The pain is not worse.

20 Q. Since this incident occurred, have
21 you used any walking cane?

22 A. No.

23 Q. Have you used a walker?

24 A. No.

25 Q. Have you used a wheelchair?

1 I. KHUSENOV

2 A. No.

3 Q. Have any doctors recommended any of
4 these devices?

5 MR. GITELMAN: Objection to the form.
6 You can answer.

7 A. No.

8 Q. Since this accident occurred, have
9 you had any nurses come to your home to assist
10 you?

11 A. No.

12 Q. Have you had anyone else come to your
13 home to assist you in any capacity since this
14 accident occurred? For example, somebody to help
15 you with laundry or cleaning or food shopping?

16 A. No.

17 Q. Have you had to pay out of pocket for
18 any of the medical treatment that you have
19 received since this accident occurred?

20 A. No.

21 Q. As far as you know, is everything
22 paid through the Workers' Compensation?

23 A. Yes.

24 Q. That's through your employer,
25 Karznika US?

1 I. KHUSENOV

2 A. Yes.

3 Q. Are you receiving any payment for
4 lost earnings in connection with Workers'
5 Compensation?

6 A. Yes.

7 Q. How much are you receiving?

8 MR. GITELMAN: Objection.

9 You can answer.

10 A. 1,130. \$1,130.

11 Q. How often do you receive that amount
12 of money? Is that a monthly payment or is that
13 bi-weekly or something else?

14 A. Bi-weekly.

15 Q. You receive \$2,260 every month; is
16 that correct?

17 MR. GITELMAN: Objection.

18 You can answer.

19 A. Yes.

20 Q. Have you had any medical treatment in
21 connection with this injury that has not been
22 paid for through Workers' Compensation?

23 A. I don't know.

24 Q. Have you been told by any doctor that
25 Workers' Compensation has not paid for some of

1 I. KHUSENOV

2 the services that you received?

3 A. No.

4 Q. Have you been practicing any writing
5 with your left hand?

6 A. Yes, I'm working on it. It's not
7 perfect, but I'm trying my best.

8 Q. Have you had to sign any documents
9 since this accident happened with your left hand?

10 MR. GITELMAN: Objection.

11 You can answer.

12 A. Yes.

13 Q. Do you have any social media
14 accounts, like Facebook, Instagram, Tiktok?

15 A. I had it, but I'm not using it for
16 now anymore.

17 Q. Have you posted anything in any of
18 your social media accounts since this accident
19 happened?

20 MR. GITELMAN: Objection.

21 You can answer.

22 A. No, I don't have a mood for that.

23 Q. Have you posted anything related to
24 your injury and your accident in any of your
25 social media accounts since this accident

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I. KHUSENOV

occurred?

MR. GITELMAN: Objection.

You can answer.

A. No.

Q. Are there any activities that you were doing before this accident happened that you're no longer doing?

A. Like what?

Q. That's my question to you. Is there anything that you were doing before this accident that you're no longer doing because of the accident?

MR. GITELMAN: What she means is:

Any single thing in any part of your life, regardless of whether it's at home, outside, getting dressed, helping out, anything that you can no longer do at all anymore?

A. Generally, when I hurt my hand, from waking up to going to sleep, I used it; my right hand.

MR. GITELMAN: She means specifically, like actual activities that are affected that you can no longer participate in, whatsoever.

1 I. KHUSENOV

2 A. As I told you before, from waking up
3 from my bed, start brushing my teeth, clean my
4 face, brush hair, hold the spoon and fork,
5 eating, opening the door or closing the door,
6 lock the door, go outside. Any moment I used my
7 hand to put my stuff on, to go outside, to go
8 shopping, doing a sport, et cetera and et cetera.

9 MS. VASQUEZ: Off the record.

10 (A discussion was held off the
11 record.)

12 Q. I just have a couple of questions
13 relating to the responses to Interrogatories that
14 I received from your attorney's office in which
15 you signed. It's Exhibit D from January 26,
16 2022. Specifically, with regard to questions 12
17 and 14, I believe here. Item number 12
18 references a 2021 incident involving the wooden
19 pusher. And it states that the wooden pusher
20 went into the feeder opening and through the
21 machine. Do you recall that incident?

22 A. No, I don't remember that.

23 Q. You don't remember the incident at
24 all?

25 A. I think it wasn't over there.

1 I. KHUSENOV

2 THE INTERPRETER: He meant wooden
3 pusher.

4 Q. This document, Exhibit D, that was
5 marked on January 26, 2022, is a response to an
6 Interrogatories receipt from your Plaintiff's
7 attorneys.

8 A. Whose testimony is that?

9 Q. At the very end of this document
10 provided by your attorneys, it says that you
11 reviewed the responses and you know the contents,
12 and you know that the responses are true and you
13 signed it. Do you remember that?

14 A. No. I didn't understand what is
15 going on.

16 Q. Is your answer that you don't
17 understand?

18 THE INTERPRETER: He didn't
19 understand the question. Can you clarify?

20 Q. This is a general question to you.
21 We received a document from your attorney's
22 office with answers to questions. And at the
23 very end of that document, there is a page that
24 was signed by you that says that you read the
25 responses and that you knew the responses to be

1 I. KHUSENOV

2 true. Do you recall reading this document and
3 signing this page?

4 THE INTERPRETER: He can't see the
5 document.

6 Q. Without looking at the document, do
7 you recall reviewing a document that had
8 questions and answers and then signing the page
9 saying that you read it, and that the contents of
10 that document were true? Do you recall that
11 without even looking at the document in front
12 of you?

13 A. Yes.

14 Q. This document references an incident
15 that occurred in approximately 2021 that involved
16 the pusher falling into the opening of the meat
17 grinder. Do you remember that incident
18 happening, as we sit here today?

19 A. No. At the time of the accident,
20 there wasn't any wooden pusher, and I didn't use
21 the wooden pusher even. I never seen the wooden
22 pusher.

23 Q. You don't recall an incident that
24 occurred in 2021 where a wooden pusher went down
25 a feeder opening; is that correct? Is that what

1 I. KHUSENOV

2 you're saying?

3 A. No, I didn't see that.

4 Q. My other question is regarding
5 response number 14. In this question you were
6 asked about complaints made relating to the meat
7 grinder, and the response says that when the
8 product broke down, approximately four or five
9 times before the subject incident, it says that
10 you notified your boss about it. Do you remember
11 that?

12 MR. GITELMAN: Objection with regard
13 to this. The question states whether
14 plaintiff made any complaints or if anyone
15 made complaints on the Plaintiff's behalf
16 with regard to the product after he
17 purchased not specifically the condition
18 which caused plaintiff's injury. This
19 question, and what you're trying to illicit
20 from my client is two different things.
21 You're asking about the condition that
22 caused his injury that is different than
23 what is written here in this
24 Interrogatories.

25 MS. VASQUEZ: I'm not trying illicit

1 I. KHUSENOV

2 anything. I just want to know if he
3 remembers this, because I have a question
4 about it. Does he remember making
5 complaints about the product breaking down;
6 does he recall that? That's my question.

7 A. Trust me, I didn't understand how to
8 answer.

9 Q. Do you recall making complaints to
10 your boss about the product, the meat grinder
11 breaking down, before your accident happened?

12 A. Yes, we complained that this
13 equipment frequently is getting broken down. So,
14 we complained it to the supervisor, not to the
15 boss.

16 Q. That's my question. My question is
17 really about, it says: "I notified my boss." My
18 question to you about this particular response
19 is: Who was it that you're referring to when you
20 say: "I notified my boss"? Can you identify
21 that person by name?

22 A. I don't know his name. It's not my
23 business.

24 Q. Who did you complain to? Do you know
25 who that person is? My question is: Who is it

1 I. KHUSENOV

2 that you complained to?

3 A. He is from the butcher department.
4 He is a supervisor of the butcher department.

5 Q. What is his name?

6 A. I don't know.

7 Q. You don't remember or you never knew
8 his name?

9 A. I get confused. You're giving me the
10 same question, so...

11 Q. Previously, on prior deposition
12 testimony, you indicated that the head butcher
13 was somebody by the name of Hussain. Is that the
14 person that you're referring to in this response
15 that says that you complained about the product
16 for or five times to your boss?

17 A. Yes, that one.

18 MS. VASQUEZ: Thank you. I have no
19 further questions, subject to any follow up,
20 depending on Counsel's questions. One more
21 thing. I'm missing a lot of records, I
22 think relating to his treatment. To the
23 extent that in the future an additional
24 deposition might be required relating to
25 those medical records, I will make that

1 I. KHUSENOV

2 request. But other than that, as of now, I
3 don't have any further questions.

4 EXAMINATION BY

5 MR. EVANS:

6 MR. EVANS: Good afternoon,
7 Mr. Khusenov.

8 THE WITNESS: Good afternoon.

9 Q. My name is Thomas Evans.

10 MR. GITELMAN: He asked for a short
11 break.

12 MR. EVANS: Sure. No problem.

13 (A short break was taken.)

14 Q. I represent Karznika. Just have a
15 few questions for you. Okay?

16 A. Okay.

17 Q. At your first deposition, you
18 mentioned that you came to the United States in
19 2018; is that correct?

20 A. Yes.

21 Q. You came to the United States to live
22 with your family; is that correct?

23 A. Yes.

24 Q. When did your family come to the
25 United States?

1 I. KHUSENOV

2 A. In the same year, but in a different
3 month.

4 Q. Do you remember if you came in the
5 winter of 2018? Can you tell me when your family
6 came?

7 A. I believe they arrived January or
8 February 2019.

9 Q. If I understood your testimony, they
10 came to the United States after you; is that
11 correct?

12 A. Yes.

13 Q. Where did you stay when you came in
14 December of 2018?

15 A. Queens.

16 Q. Who did you stay with?

17 A. With my uncle.

18 Q. What is your uncle's name?

19 A. Babakhtiyor Azimov.

20 Q. Is there a reason why you came before
21 your family came?

22 MR. GITELMAN: Objection.

23 You can answer.

24 A. We arrived through the Mexico.

25 Q. How did your family come to the

1 I. KHUSENOV

2 United States?

3 A. They also, the same way.

4 Q. Through Mexico?

5 A. Yes.

6 Q. When you began working for Karznika
7 US, how did you punch in at work?

8 A. What is punching?

9 Q. How were you paid for your time
10 working for Karznika US?

11 A. Cash.

12 Q. I know cash, but how did they know
13 the hours that you worked?

14 A. We receive a paper where you can see
15 our working hours on that paper.

16 Q. Did you have to put in a code at all?

17 A. We usually went to the register
18 machine and we receive our code and we put this
19 code like a check-in and check-out. We used this
20 code.

21 Q. As you sit here today, do you
22 remember what your code was?

23 A. I don't remember.

24 Q. Does your father still work for
25 Karznika US?

1 I. KHUSENOV

2 A. Yes.

3 Q. When you were working with your
4 father, Kozim, at Karznika US, did your father
5 also have a code that he had to put in the
6 register to check in and check out?

7 A. Yes.

8 Q. Did your father work at night or
9 during the day?

10 A. Starting from 6:00 p.m.

11 Q. How many hours did your father work
12 through the evening?

13 A. From the beginning? Are you asking
14 from the beginning?

15 Q. How long did the nightshift last?

16 A. Are you asking about my shift or my
17 father's shift?

18 Q. Your father's shift?

19 A. Starting from 6:00 p.m. up to 1:00
20 a.m.

21 Q. What did your father do at the market
22 from 6:00 p.m. to 1:00 a.m. on a daily basis?

23 A. My apology. Why are you asking about
24 my dad's job? Why are you not asking my dad
25 about these questions?

1 I. KHUSENOV

2 Q. We had asked these questions to you
3 at your first deposition, and I'm just filling in
4 terms of your father's shift and what he did for
5 Karznika US?

6 A. He is watching the food, the hot food
7 in the kitchen. Also, before to close the store,
8 he has to check all around, then close and go
9 home.

10 Q. Did he also do cleaning of the store?

11 A. Yes.

12 Q. Did he also clean the meat grinder?

13 A. Yes.

14 Q. Are you familiar with a store manager
15 by the name of Backhti?

16 A. He is the manager of the store.

17 Q. Is he related to you in any way?

18 A. No.

19 Q. The Backhti that we're referring to
20 is not your uncle; is that correct?

21 A. Yes.

22 Q. What does your uncle do? Does he
23 work at Karznika US, as well, or does he work
24 somewhere else?

25 A. He is working in a different place.

1 I. KHUSENOV

2 Q. At the time that you were working for
3 Karznika US, did you ever hear of any complaints
4 from the butchers that it was difficult to get
5 the meat into the meat grinder through the hole
6 of a safety guard?

7 A. No.

8 Q. Do you remember hearing any
9 complaints from the butchers about having to cut
10 the meat into smaller pieces to be able to get it
11 into the meat grinder?

12 A. Not really in detail. I was
13 explained this way. They just, whatever as I
14 watched, whatever they did, I did also.

15 MR. EVANS: I have no further
16 questions. Thank you.

17 MS. VASQUEZ: I have no further
18 questions. Thank you.

19 EXAMINATION BY

20 MR. GITELMAN:

21 MR. GITELMAN: Mr. Khusenov, all the
22 same rules that you were following for the
23 other attorneys apply for me. As you know,
24 I'm your attorney. I just want to ask you a
25 couple of questions as well. Okay?

1 I. KHUSENOV

2 THE WITNESS: Okay.

3 Q. There's been a lot of talk about the
4 incident which we're obviously here for today. I
5 want to ask you a simple question. In your
6 opinion, from your perspective, how did this
7 accident happen?

8 A. At the time of grinding the meat,
9 because the machine is very accelerated working,
10 grinding. On the time -- it's on the opening
11 area while I was pushing the meat, all of a
12 sudden my hand also was sucked in and shredded,
13 while I was looking off button under. My hand
14 was in the opening, inside the opening and
15 shredded it, while I find an off, completely meat
16 grinder. So, I think meat grinder build
17 uncomfortable for emergency situation.

18 Q. If you saw that your hand was being
19 pulled into the machine, why didn't you turn the
20 machine off right away?

21 A. What?

22 Q. First of all, do you know what caused
23 your hand to be pulled into the machine?

24 A. First reason is, there is no safety
25 net. Second reason is, off and on button located

1 I. KHUSENOV

2 under the tray. You cannot immediately off or on
3 in case you need. The third reason is, the tray
4 is too big and not comfortable in case of
5 emergency to go to the off or on button, to find
6 the off and on button.

7 Q. Are the off and on button
8 approximately the same size or different sizes?

9 A. The same size.

10 Q. In between the tray and the on and
11 off button, is there a knob in the way?

12 A. Yes.

13 Q. Was there anything preventing you
14 from immediately turning off the entire machine
15 as soon as you realized your hand was being
16 pulled into it?

17 A. As I told you before, I wasn't able
18 immediately to stop the machine, because you
19 can't see the off button. It's under the big
20 tray. The tray is blocking off button. It's
21 really uncomfortable.

22 Q. Is there any emergency lever or stop
23 button or anything near where the hole is that
24 your arm got sucked into? Is there anything near
25 that area that would turn the machine off; yes or

1 I. KHUSENOV

2 no?

3 A. No.

4 Q. Prior to this accident, were you
5 predominantly right-handed or left-handed?

6 A. Right-handed.

7 Q. At the first deposition that was held
8 in my office when we were together, do you
9 remember the attorney showing you a picture of
10 the station that you would go to in order to
11 grind the meat?

12 A. Yes.

13 Q. Do you recall whether the meat
14 grinder was in the right of the picture or the
15 left of the picture that depicted your work
16 station?

17 A. Right.

18 Q. On every occasion that you used the
19 meat grinder prior to the date of the accident,
20 did you always use your right hand to turn the
21 machine on or did you use a combination of both
22 hands or something else?

23 A. Right hand only I use.

24 Q. Was the date of the accident, when
25 your arm was caught in the machine, was that the

1 I. KHUSENOV

2 first time that you tried to turn off the machine
3 with your left hand?

4 A. Yes.

5 Q. For a lack of a better term, is the
6 machine shaped like a cube?

7 A. Yes.

8 Q. Do you know how many sides a cube
9 has?

10 A. Can you clarify your question?

11 Q. If we're looking at a cube, it has
12 one side on the left and on the side and a back
13 side, as well as a top and bottom, right, the
14 cube?

15 A. Yes.

16 Q. If you add up all of the sides, it
17 would equal four, and the top and bottom, which
18 would equal six sides, if my math is right?

19 A. Yes.

20 Q. Is it your testimony that the on and
21 off button are located on only one out of those
22 six sides of this machine?

23 A. Yes.

24 Q. There are no alternative methods of
25 turning the machine on, meaning no other

1 I. KHUSENOV

2 emergency lever or button, besides those two that
3 we spoke about during the course of this
4 deposition?

5 A. Yes.

6 Q. Does the machine have any emergency
7 lever or on/off switch, other than the button to
8 turn the machine off?

9 A. No.

10 Q. Do you know whether the machine is
11 equipped with any type of sensor at all?

12 A. No.

13 Q. "No," you don't know or "no," the
14 machine does not have any?

15 A. I think sensors do not exist in this
16 equipment.

17 Q. I know it's difficult to remember
18 that day and that situation, but can you
19 approximate how much time went by from the period
20 where your arm got caught in the machine until
21 the time that the machine was finally turned off?

22 A. It's just in a second it happened.

23 Q. Is it more or less than five seconds?

24 A. It happened one after another. I
25 think it was within seconds.

1 I. KHUSENOV

2 Q. If there was an emergency button
3 elsewhere on the top, for instance, of the
4 machine, do you think that the machine would turn
5 off faster than it did?

6 A. I think yes, if on the top will be
7 visible place will be button for emergency
8 reason, I can use, so I could save my wrist, my
9 hand.

10 MR. GITELMAN: Can you read back the
11 answer, please?

12 (The requested record was read from
13 the transcript.)

14 Q. Is it your testimony that if the
15 machine was designed differently, there would be
16 a chance that you would still have your hand?

17 MR. EVANS: Objection.

18 A. Yes.

19 Q. At the first deposition where I was
20 present, you were shown a series of photographs
21 depicting some kind of images. Are those images
22 that you were shown near the on and off button
23 somewhere underneath the tray?

24 A. Please repeat it again.

25 THE INTERPRETER: I will ask him the

1 I. KHUSENOV

2 question again.

3 A. Yes.

4 MR. GITELMAN: I have no further
5 questions.

6 MS. VASQUEZ: For the record, a quick
7 statement that I'm going to be objecting to
8 the line of questioning that plaintiff has
9 the opportunity to the change or amend his
10 responses when he receives a transcript.
11 The attempts to change his testimony in this
12 manner is completely improper.

13 MR. GITELMAN: We will follow the
14 Federal Rules of Civil Procedure, as they
15 allow, Counsel, and so any objection may be
16 noted, and we will respond to the objection
17 accordingly.

18 MR. EVANS: Note my objection, as
19 well. We will take it from there.

20 MR. GITELMAN: It's noted.
21 (Whereupon, at 2:30 p.m. the Examination of
22 this Witness was concluded.)
23
24
25

1 D E C L A R A T I O N

2
3
4
5 I hereby certify that having been
6 first duly sworn to testify to the truth, I
7 gave the above testimony.
8

9 I FURTHER CERTIFY that the foregoing
10 transcript is a true and correct transcript
11 of the testimony given by me at the time and
12 place specified hereinbefore.
13
14

15 _____
16 ISOJON KHUSENOV
17

18 Subscribed and sworn to before me on
19 this ____ day of _____, 2022.
20 _____

21 NOTARY PUBLIC
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I N D E X

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EXAMINATION BY:	Ms. Vasquez	7
	Mr. Evans	21
	Mr. Gitelman	56

1 DOCUMENTS AND/OR INFORMATION REQUESTED
2
3 PAGE
4
5 EXHIBITS
6 (None)
7
8 PRODUCTION REQUESTS
9 1) Authorization for Hand Therapy Center 21
10 2) Authorization for New York Rehab
11 Prosthetics 21
12 3) Authorization for X-ray facility 28
13 4) Name of medical supply office 33
14
15 INSERTS
16 (None)
17
18
19 DIRECTIONS: (None)
20 RULINGS: (None)
21
22
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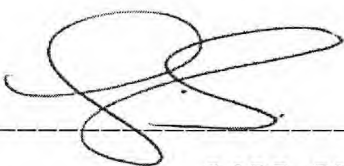
CERTIFICATION

I, Lori Palotti, a Notary Public
within and for the State of New York, do hereby
certify:

That ISOJON KHUSENOV, the witness(es)
whose deposition(s) is(are) hereinbefore set
forth, was(were) duly sworn by me and that such
deposition(s) is(are) a true and accurate record
of the testimony given by such witness(es).

I further certify that I am not
related to any of the parties to the action by
blood or marriage; and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 31st day of March, 2022.



LORI PALOTTI



1 ERRATA SHEET FOR: ISOJON KHUSENOV

2 ISOJON KHUSENOV, being duly sworn, deposes and
3 says: I have reviewed the transcript of my
4 proceeding taken on 03/31/2022. The following
5 changes are necessary to correct my testimony.

6
7 PAGE LINE CHANGE REASON

8 -----|-----|-----|-----

9 -----|-----|-----|-----

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11 -----|-----|-----|-----

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21 Witness Signature: _____

22 Subscribed and sworn to, before me

23 this ____ day of _____, 20 ____.

24 _____

25 (NOTARY PUBLIC)

MY COMMISSION EXPIRES

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